



**PATENT APPLICATION TRANSMITTAL LETTER &  
FORM FOR EXPRESS MAIL CERTIFICATION**



**EXPRESS MAIL LABEL NUMBER: ET 871287895 US**  
**DATE OF DEPOSIT: FEBRUARY 10, 2004**

The Honorable Commissioner of Patents  
Alexandria, Virginia 22313-1450

Dear Commissioner:

I hereby certify that the attached U.S. Plant Patent Application including the items listed below are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450. Transmitted herewith for filing under 35 U.S.C. §111 and 37 CFR §1.53 is the plant patent application of:

**INVENTOR: CHARLES OLIVER**  
**TITLE: HEUCHERA PLANT NAMED 'MIDNIGHT BURGUNDY'**

In connection with this application, the following are enclosed:

- 15 Pages of written description, claims and abstract.
- 2 Sheets of photographs, in color, in duplicate, as required by Rule 165.
- 1 Executed Declaration of the Inventor including Authorization of Agent.
- 1 Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
- 1 **Check in the amount of \$530.00 U.S. is enclosed for the required U.S. Plant Patent Filing Fee.**

Respectfully submitted,

Catherine Anne Whealy  
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NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	OLIVER, Charles
	Title	Heuchera Plant Named 'MIDNIGHT BURGUNDY'

I hereby certify that the invention disclosed in the attached **application has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Signed: Charles Oliver Date: November 10, 2003  
Name: **CHARLES OLIVER, Applicant**

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent & Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**